



USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT (JSP)

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I. PROGRAM-RELATED ACTIVITIES AND TASKS

I. RESULT 1: STRENGTHENING ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

I.1 Requirement 1.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs, and the Role they can Play in Strengthening the Rule of Law in Macedonia

The JSP previously completed the short, focused initial assessment of the needs of 11 professional and civil society organizations (CSOs), through a subcontractor: the Macedonian Center for Institutional Development (CIRa). Based on the assessment, JSP selected three organizations for phase II of the assessment: The Macedonian Judges Association (MJA), The Macedonian Young Lawyers Association (MYLA) and The Court Administration Association (CAA).

In Phase II, CIRa assessed the performance of the three selected organizations to identify performance gaps and recommend training and technical assistance packages customized to each organization. Phase III commenced in October 2012. The activities and events for this reporting period are described below.

I.2 Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved

The JSP proceeded with the implementation of Phase III, which started in October 2012 and will run through October 2013. Phase III activities include a series of training workshops to enhance the capacity of the selected organizations. JSP is overseeing the implementation of these workshops. To date the project supported 25 trainings/workshops between October 31, 2012 and June 25, 2013. A number of these trainings were jointly conducted to reach several organizations simultaneously. No trainings took place during July due to the unavailability of the targeted organizations during the summer vacation period.

On July 22, JSP signed a modification agreement with Mesacons/Embra memorializing the agreement to include several additional LPAs in the trainings/workshops due to MJA's previous withdrawal from the scheduled programs. The agreement also conformed the dates to the actual dates on which the events were conducted. The trainings/workshops will commence again in September and be completed in October in accordance with the schedule below.

Trainings and Workshops Scheduled for September and October 2013

Activity/Deliverable	Counterparts	Activity Description	Start Date	Finish Date
Developing Membership Base Strengthening Strategies	AFFT, ELSA, Chamber of Mediators, Chamber of Enforcement Agents, Notary Chamber, BAR Association	<ul style="list-style-type: none">Preparation of the trainings	Sep. 04, 2013	Sep. 05, 2013

Activity/Deliverable	Counterparts	Activity Description	Start Date	Finish Date
Organizational Design	MYLA	and workshop materials	Sep. 10, 2013	Sep. 11, 2013
Provision for Effective and Efficient Services with Focus on Members	AFFT, ELSA, Chamber of Mediators, Chamber of Enforcement Agents, Notary Chamber, BAR Association		Sep. 12, 2013	Sep. 13, 2013
Training in Management and Leadership Skills	MYLA	▪ Implementation of the trainings and workshop	Sep. 20, 2013	Sep. 21, 2013
Developing Organizational and Financial Sustainability Plans	MYLA		Sep. 24, 2013	Sep. 25, 2013
Human Resource and Volunteer Management	MYLA / CAA		Oct. 03, 2013	Oct. 04, 2013
Developing Financial Management and Sustainability Plans	CAA	Evaluation of the trainings and workshop	Oct. 15, 2013	Oct. 16, 2013
Financial Management for Non – financial personnel	CAA / AFFT, ELSA, Chamber of Mediators, Chamber of Enforcement Agents, Notary Chamber, BAR Association		Oct. 22, 2013	Oct. 23, 2013

1.2.1 Other Support for LPAs

Macedonian Young Lawyers Association

The MYLA is an LPA that provides continuing legal education for young lawyers and works to promote and advance the legal profession in Macedonia. Additionally, MYLA promotes access to public information and supports the establishment of a free legal aid system.

As a follow-up to an initial flyer, MYLA, with JSP support, completed an in-depth brochure describing its accomplishments and initiatives to be distributed to young attorneys, law students, potential donors and partners from abroad. JSP supported this promotional brochure which was edited, finalized and printed in this reporting period. MYLA will present information about their organization and distribute the new brochure to appropriate audiences in a continuing effort to strengthening its institutional capacity and long-term sustainability.

European Law Students Association

The ELSA designed a second brochure entitled *Juvenile Justice System—Prevention Instead of Punishing* to provide an overview of the system for juvenile justice in the Republic of Macedonia, with an emphasis on prevention instead of punishment. The brochure will be distributed to ELSA members, courts, high school students and other interested institutions and associations. The text was written by ELSA members, and the draft was reviewed and approved by Judge Lazar Nanev, an expert in juvenile justice. Tentative plans include the first presentation to be made in September at Basic Court (BC) Kavadarci with the participation of Judge Nanev. Plans also include a presentation at an orphanage in Skopje in the fall. This is considered an important target audience for the subject matter.

A total of 1,500 copies of the brochure have been printed. The debut presentation and distribution of the publication is planned for BC Kavadarci in the fall, the court in which Judge Lazar Nanev serves.

Association of Public Prosecutors

During July, JSP continued cooperation with the Public Prosecutors Association (PPA) assisting with the creation of a website and newsletter. A draft of the brochure was prepared by PPA members and staff and will serve as a means of information-sharing and promoting the association. It is currently being reviewed and edited by JSP staff. This publication will foster visibility and enhance the public relations of the PPA. JSP expects to print 500 copies in Macedonian and English which will be distributed to PPA membership, interested institutions, associations, and the media. This phase of PPA assistance is expected to be completed in early August.

Macedonian Bar Association

The Macedonian Bar Association (MBA) is an autonomous and independent public service organization, which provides legal assistance according to the Law on the Bar and other regulations. The MBA recently elected a new president and board members and the new administration is genuinely interested in JSP support.

In July, through JSP cooperation, MBA supplied an updated list of attorneys. This list will be integrated with ACCMIS data to help the courts to populate their records and producing accurate reports.

The MBA also attended two trainings/workshops delivered through Embra and will be invited to others in the fall. In addition, at JSP's request, MBA is preparing an internal assessment of its needs which, when completed, will be considered by JSP for future capacity building assistance.

All For Fair Trials

The project agreed to support the All for Fair Trials (AFFT) coalition by assisting in the design, editing, preparation and printing of a fact sheet describing the organization and its mission and goals. The fact sheet was completed in July and distributed.

During July, the JSP also supported AFFT in the development of a brochure to celebrate the upcoming 10th anniversary of this watch-dog organization. Plans were also discussed to support an anniversary event which may include speakers from Sweden and Estonia –the two venues recently visited by the study tour for LPAs supported by JSP.

Chamber of Enforcement Agents

On July 31, JSP staff met with representatives of the Chamber of Enforcement Agents (Chamber). The Chamber oversees the actions of enforcement agents throughout Macedonia,

acts on ethics complaints and works towards enhancing the image and reputation of the profession. The chamber requested that the project support training for its members geared towards building good *rapport* and communication with the media. The object is to more fully inform the public of the work and procedures of enforcement agents and to strengthen the image of the profession and its important role in society.

1.2.2 Building Broad-Based Coalition of LPAs

Following the study tour to Estonia and Sweden for seven members of AFFT, MYLA, CAA and ELSA, JSP supported an event at which the participants from the LPAs and CSO study tour shared the experiences and knowledge gained with their colleagues from other associations. The assemblage discussed, among other items, forming a broad-based coalition to act as a watchdog in the area of the judiciary, based on similar coalitions in Estonia and Sweden.

On June 17, JSP held the first working session with the participants of the study tour to begin the process of establishing a broad based umbrella association –a coalition of LPAs and CSOs to advocate for an independent judiciary and the rule of law. Working collaboratively, they began the process of creating an umbrella organization for judicial sector LPAs and CSOs. The participants also discussed other collaborative opportunities including a joint conference to be held in October or November at which representatives from the NGO and CSO communities of Estonia and Sweden will be invited to share the experiences and knowledge with a broad range of Macedonian LPAs and CSOs.

The project supported a working session on July 4-5 in Mavrovo. At this two day working meeting representatives of AFFT, ELSA, MYLA and CAA prepared and signed Memorandum of Cooperation and Declaration for Establishment of Council of Promoting the Rule of Law in Macedonia. At the follow-up meeting on July 24 members and signatories of the Declaration further developed rules for acceptance and exclusion of members and prepared a rough draft of the Ethic Code for the Council.

In the near future, a code of ethics for the new counsel and other documents will also be completed.

2. RESULT 2: MORE INDEPENDENT, EFFICIENT, AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES

2.1 Requirement 2.1: Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System

2.1.1 Review and Advocacy of Laws by the Judiciary

Judicial Branch Forum Follow-up

The Judicial Branch Forum (JBF) is designed to provide an opportunity for the leaders of judicial branch institutions and associations to discuss the progress, current status and next steps in the implementation of the judicial reforms and improved court policies and practices in Macedonia. These topics are important to the ultimate accomplishment of the reform goals (i.e., establishment of the judiciary as a fully independent, effective and self-governed branch of government capable of upholding the rule of law and providing timely and quality services to all citizens of the Republic of Macedonia).

In July, JSP coordinated with justice sector actors to act on several conclusions from the third JBF – a two-day meeting on June 19-20 at the Hotel Aurora in Berovo, Macedonia; for example, the president of the Judicial Council (JC) recommended that a roundtable be arranged to

address certain budget issues including the unification of court financial reports. This, in turn, made it possible to address the issue of Staffing Guidelines. During meetings with the Court Administrators of the extended jurisdiction courts on July 10, and a smaller working group on July 16, a consensus was reached clarifying the types of cases and forms falling into specified categories of the reports. This process was necessary to comply with new provisions of the Court Book of Rules adopted on May 17, 2013.

Also flowing from the JBF, the Court Budget Council (CBC) requested that the courts report a breakdown of the amounts paid to the postal service for service of process versus the cost of delivery by court couriers. The courts were also directed to report the various problems they face regarding the input of data into ACCMIS so that any problems can be referred to the ACCMIS Working Committee.

Judicial Practice Bulletin for Appellate Courts Shtip and Gostivar

The project supported the printing of a Judicial Practice Bulletin for the Appellate Courts of Shtip and Gostivar at the request of the president judges of each court. The bulletins provide rationale for, and underline the importance of, unification of the work of judges, providing valuable insight and improving transparency as well as communication. The support of these publications assists all courts in harmonizing court practice in the Republic of Macedonia. Seven hundred copies of each bulletin were printed and distributed to all courts for distribution to all judges. Previously, JSP has supported the publication of the Judicial Practice Bulletin of the Appellate Court Bitola.

2.2 Requirement 2.2: Administration and Management Rules, Policies and Procedures, and Systems and Practices to Support a Modern Court System

2.2.1 Development of Job Descriptions

As previously reported, the JSP has supported working groups to enhance and create job descriptions for certain employment areas. As a result of these endeavors there are now three new draft job descriptions covering IT staff. During a session for training on Free Access to Public Information and Communication with Clients in the Courts, held on July 12 and 13, the assembled group of public information officers created a model job description for court officials designated for sharing information with the public. Remaining, and soon to be realized, are revised job descriptions for court administrators. Upon the completion of this final group, the job description will be forwarded to the appropriate body for approval.

2.2.2 Public Information Officer Training

The training on “Free Access to Public Information/Communication with Clients in the Courts” was held on July 12-13, 2013 in Kavadarci, through the support of JSP and in cooperation with the Academy for Training of Judges and Public Prosecutors (Academy). The training was designed for courts’ officials designated for sharing public information, consistent to the Law on Free Access to Public Information. The trainers were Ms. Jelena Janevska, Mr. Kiril Efremovski and Ms. Jordanka Stojkova - representative of the Commission for Protection of the Right for Free Access to Public Information.

Nineteen participants attended; two of the participants were judges and the rest were professional court employees (i.e., court clerks). The participants raised the issue of distinguishing public information from other types of information. Often the public and media require information which is not categorized as public under the Law on Free Access to Public Information. Also, the participants emphasized the need for close cooperation between the officials designated for sharing public information, courts’ public relations offices and courts’

spokespersons, since all of them constitute three important aspects of the openness and transparency of the work of the courts. The courts' practice since the enactment of the Law on Free Access to Public Information in 2006 has shown that most requests for providing information are received by the courts in writing, and that courts have not faced particular problems in providing the information within the deadlines set forth by the law.

2.2.3 Judicial Council Employee Code of Ethics

The project assisted the general secretary of the JC in finalizing the Judicial Council Employee Code of Ethics. JSP staff, working with the general secretary, completed the final revisions of the code which was adopted by the JC at a meeting in July.

2.2.4 Differentiated Case Management—Consultancy

The translated report of the US expert, Markus Zimmer, entitled *Case Management Practices in the Macedonian Courts: A Proposal for Designing and Implementing Differentiated Case Management and Time Standards*, was presented to the members of the JBF on June 20. The proposal met with positive reaction and it was agreed that it should be further discussed in detail among judicial leaders, judges, lawyers and others in September through the auspices of the Macedonian Judges Association (MJA). Plans for such an event will be coordinated with the MJA president during the summer months and a date set.

3. RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES

3.1 Requirement 3.1: Develop and Implement Targeted Specialized Training for Judges, Court Administrators, Executives and Court Staff

3.1.1 Training on Mediation and Arbitration

The JSP reaffirmed its commitment with the Academy to support a training entitled "Mediation and Arbitration" for commercial judges. On July 1, in a conference call, Judges Arem and Punt from the Netherlands accepted JSP's invitation to present at this training. The judges' schedule required that the training take place on October 28 and 29. The scope of work (SOW) and other preparatory work is being prepared.

3.1.2 Study Tour II for Court Administrators and Court Staff

The second JSP study tour will focus on increasing the capacities and skills of the court administrators and court staff. The program will stress coordination and communication among various court actors and offices in order to strengthen judicial independence and provide more effective and accountable court operations. Areas of focus will include court administration and management, budgeting and finance, case flow management, backlog reduction, human resources, court facilities, information communication technology and archiving. The study tour will take place from approximately September 23 to October 6.

The Request for Proposals (RFP) was posted on May 30 requiring bids to be received no later than July 10. One bid was received from PHM International, which previously implemented a study tour in partnership with JSP. A negotiation for a best and final offer was commenced and outstanding issues resolved. The contract is being prepared at this writing and will be signed during the first week of August.

3.2 Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases

As discussed and agreed upon at the last JBF, observations and conclusions of lawyers at the public discussion on “Court Proceedings and Court Efficiency” will be posted on the MJA website for judicial comments. A public discussion on “Court Proceedings and Court Efficiency” will be held in September with judges, practicing lawyers and public prosecutors in cooperation with the MJA.

3.2.1 Support for Judicial Sector Automation

Electronic Digital Recording of Court Hearings and Trials

The Court Book of Rules was amended, effective on May 18, to clarify procedures for the use of electronic court recording (ECR) of court hearings. JSP was informed that the courts need additional assistance to fully realize compliance with the law. A review of current readiness has revealed that additional training was necessary as well as integration of certain updated software into the system. JSP has agreed with an outside contractor to offer training and assistance to the courts. From June 15 through July 17, the outside contractor, Saso Aleksoski, completed installation of needed templates into court computers and integrated the necessary software where needed. He also completed additional training for 32 judges during this period.

JSP will provide support for an in-house electronic court recording coordinator at BC Skopje II due to the court’s workload. The court and its judges will benefit from the presence and assistance of an in-house coordinator who will support full utilization of the Femida (ECR) software and hardware. The ECR coordinator will provide continuous in-house training and daily support to the users of ECR. The candidate’s resume and background is being reviewed and an interview will take place shortly. If finally approved, the candidate will begin employment for a period of 12 months beginning on or about September 1, supported by JSP.

Upgrade of Automated Budget Management System

The Automated Budget Management System (ABMS) is the successful budget software program pioneered by the previous USAID-funded Macedonia Court Modernization Project. It has been integrated with ACCMIS and is the mainstay of the Macedonian courts’ budgeting and finance. During this reporting period, the CBC requested an upgrade of the ABMS due to many to laws and sub-regulations, requiring improvements to the ABMS.

Due to the changes in the law, JSP is in the process of preparing a sole source procurement justification for ULTRA company that developed ABMS in March 2006. This company is in a unique position to upgrade the few modules that are required for better and efficient usage of ICT in the finance and human resource departments of the CBC, since it originally developed the software. Beginning with a meeting on July 3, JSP staff has been communicating with ULTRA to verify that sole source procurement is acceptable. By early August the information and negotiations will be complete and a final decision will be made.

3.2.2 Coordination Meetings

President of the Judicial Council

As customary, the Chief of Party (COP) and/or the Deputy COP (DCOP) communicated regularly with the president of the Judicial Council (JC) in July to coordinate the efforts of the project with JC and the CBC activities and to offer support for the various disciplines within the judicial branch. Among the topics discussed was a request from the JC to upgrade the Automated Budget Management System (ABMS) so as to provide more focused reporting and integration with ACCMIS, as well as the possibility of updating the Judiciary Strategic Plan. Specifically, on July 19, the DCOP and COR met with Judge Zafiroska resulting in the

nomination of the JC and MYLA for capacity building supported by USAID through the Organizational Performance Improvement Project.

Meeting with Justice Nikolovski

In late June 2013 DCOP met with Justice Nikolovski, Justice of the Supreme Court, to discuss the court's involvement in preparation with the amendments to the Court Book of Rules(CBR) The latest revision was completed in May 2013. Justice Nikolovski requested assistance from the project in supplying 20 copies of the CBR, for justices that will participate in the MOJ working group for revision of this regulation. JSP procured and delivered CBR to the Supreme Court on July 12, 2013.

II. PROBLEMS AND REMEDIAL ACTIONS

Problems have been minimal and are of the type to be expected in the regular course of implementation.

III. ADMINISTRATIVE MATTERS

No significant matters to report.

IV. SUMMARY OF ACTIVITIES PLANNED FOR AUGUST 2013

The summary of activities planned for August 2013 is as follows:

- Oversee and manage the capacity development program with EMBRA in preparation for final trainings/workshops in the fall
- Maintain regular communications with EMBRA and conduct regular coordination meetings according to the subcontract
- Continue coordination and planning with the Academy for future events starting in September
- Continue support for unification of court decisions and distribute Judicial Practice Bulletins of Appellate court Shtip and Gostivar
- Continue to accumulate statistical data on case filings, dispositions, and backlogs by court and case type to support Staffing Guidelines and case management initiatives
- Continue to lead team to courts with problematic case processing issues and provide remedial assistance (scheduling meetings in Gostivar and Kicevo with AC PJ)
- At the request of the CBC, re-establish the working group for the next phase of the implementation of staffing guidelines and conduct a first meeting
- Continue to work with six pilot courts and other courts to meet targets on needs-based budgets as requested by the AO of the CBC
- Complete contract with PHM International and commence planning and preparation for Study Tour 2
- Support promulgation and presentation of second brochure on MYLA accomplishments in visits to law faculties
- Support distribution of ELSA's *Juvenile Justice* publication in Kavadarci and other courts
- Assess request and prepare plan to strengthen the MBA when request received
- Continue support of student visits to courts and distribution of ELSA publications integrating people with disabilities
- Continue the oversight of the implementation of electronic recording of court hearings
- Provide an electronic court recording coordinator to BC Skopje II and support the coordinator's work

- Follow progress in implementation of the Action Plans of CAA, ELSA, MLA, AFFT and MYLA as part of the recent study tour objectives including formation of a broad-based coalition
- Publication of the brochure for the Association of Public Prosecutors (APP)
- Continue to assist in the upgrade the website for the APP
- Enter into and manage contract for the upgrade ABMS for the CBC
- Prepare for trainings, workshops, public discussions planned for September/October
- Continue to plan for and support training for the Mediators and Arbitration for October 28, and 29